United Nations S/2002/69

Security Council

Distr.: General
16 January 2002

Original: English

Letter dated 15 January 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Nigeria, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

Note verbale dated 14 January 2002 from the Permanent Mission of Nigeria to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Federal Republic of Nigeria to the United Nations presents its compliments to the Chairman of the Counter-Terrorism Committee of the Security Council and has the honour to submit Nigeria's report pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure)

The report has been prepared taking account of the guidelines provided by the Counter-Terrorism Committee. It consists of steps already taken and contemplated which are administrative and legislative in nature.

Enclosure

Nigeria: country report on the implementation of Security Council resolution 1373 (2001) of 28 September 2001

The Federal Republic of Nigeria herein forwards her report on the measures taken to fully implement UN Security Council Resolution 1373 (2001). The report has been prepared taking account of the guidelines provided by the Counter Terrorism Committee which paragraph 6 of Resolution 1373 (2001) established. The steps already taken and contemplated are administrative and legislative in nature. They embody suggested action by member states as outlined in pertinent operative paragraphs of Resolution 1373(2001).

OPERATIVE PARAGRAPH 1

Sub-paragraph (a) The Central Bank of Nigeria (CBN), in exercise of its supervisory authority and control of all banking transactions, has directed all commercial banks in the country to report any transaction of a sum over half a million naira (US $5,000). A subsequent report of such transaction is to be made by the CBN to the National Economic Intelligence Committee (NEIC) whose responsibility, among others, is to monitor the source and the purpose of any amount which is above half a million naira. This system tracks down massive cash flow to individuals and group accounts. It helps to monitor the spending pattern and the sources of financial support for suspected groups and individual terrorists with a view to forestalling their activities.

Sub-paragraph (b) Any person who is unable to give reasonable and convincing explanation of the source of any fund over half a million naira he intends to transact, could be held as a suspect and may be charged for an offence under the Exchange Control (Anti-Sabotage) Act. The minimum penalty under the Act is 5 years imprisonment for an individual and a minimum fine of N100,000.00 (US$1000) for a body Corporate. Such an individual or group may also be charged for the offence of money

laundering under the National Drug Law Enforcement Agency (NDLEA) Act. This is in view of the linkage that often exists between drug money and the financing of terrorism and terrorist activities. The penalty under this Act is ten years to life in jail with all materials, including the money involved, forfeited.

Sub-paragraph (c) The following legislations have provisions for freezing accounts and assets at banks and financial institutions:

(1) National Drug Law Enforcement Agency Act.
(2) Exchange Control Anti-Sabotage Act,
(3) Money Laundering Act.

The procedure for freezing accounts could be administrative or judicial. The order for freezing can come from the Central Bank of Nigeria which has regulatory and supervisory powers over all banks in the country. It can also be as a result of a judgment of a competent Court or Tribunal of Enquiry.

Sub-paragraph (d) Terrorism is a crime and no nation should encourage it. In Nigeria the Police, State Security Services (SSS), Immigration Department and the Central Bank of Nigeria have put in place intelligence gathering and crime prevention measures to ensure that would-be terrorists do not have easy access for operation in the country. The Central Bank of Nigeria has enhanced its monitoring activity, especially since the 11th September, 2001 terrorist attack in the US, on all financial transactions carried out by commercial banks. The Immigration Department has tightened its operational control and supervision of both border posts and air/sea ports all over the country. Finally, suspected terrorists or their agents are placed under very close observation. Such control include the monitoring of their places of residence, contacts and traveling documents.

OPERATIVE PARAGRAPH 2

Sub-paragraph (a) The legislations in force in Nigeria against the supply of weapons to terrorists are the Public Order Act and the Fire Arms Act. Under the former Act recruitment into terrorist groups is contrary to public order. The Act also prohibits any person or group of persons to assemble with a common mission that is prejudicial to the law of the land. The Fire Arms Acts, on the other hand, prohibits any person or group of persons from acquiring a prohibited firearm. No firearms can be imported or acquired without the knowledge and permission of the President or his authorized representative. Any violation of the provisions of this Act attracts stiff penalty of life imprisonment. These laws cover every citizen and foreigner in Nigeria.

Sub-paragraph (b) The Nigerian Police, through the Intelligence Bureau, gathers and exchanges information about terrorists and their operational activities locally and internationally.

(ii) The intelligence Bureau, for example, made up of the Central Intelligence Bureau (CIB) at the state level and the Federal Intelligence Bureau (FIB) at the Federal level, monitors both local and international groups of suspected terrorists and feed the INTERPOL for action globally.

(iii) Other Nigerian organizations such as Department of State Security Services (SSS), Nigerian Intelligence Agency (NIA) and Immigration Department work hand in hand with the Police under the umbrella of the Joint Intelligence Board (JIB) and the Intelligence Community Committee (ICC) on ways and means of curbing and preventing terrorism and terrorist activities in the country.

(iv) Passport control. This is undertaken by the SSS and Immigration at all the nation's land border posts and Air/Sea ports to prevent people deemed security risk from entering the country as well as apprehending such people when attempting to leave the country.

(v) Close monitoring of the movement of suspected foreigners when they are allowed access into the country.

(vi) Exchange of information with other states on the issue of terrorism is often carried out under the framework of the Bilateral Agreement or Memorandum of Understanding.

Sub-paragraph (c) The Nigerian Extradition Act is used to deny safe haven to terrorists. For example, in July 2001, a suspected terrorist, Hamama Belkacem, an Algerian, was arrested in Katsina State of Nigeria where he was being harboured by a Nigerian, Yakubu Musa Hassan. Hamama Belkacem admitted to acts of terrorism outside Nigeria and of belonging to an out lawed group, the Islamic Salvation Army (FIS) in Algeria. He was also involved in the making of bombs. As a result of the existing relationship between Nigeria and Algeria, HAMAMA BELKACEM was handed over to the Algerian Government on 26 August, 2001. The Nigerian who harboured him is under prosecution

Sub-paragraph (d)

(i) The Extradition Act is the existing legislation that may be used to deport terrorists and prevent them from acting from Nigeria against other States or citizens.

(ii) Allien checks are intended to prevent terrorists from entering the country. Once they are detected at the point of entry any attempts by them to launch attacks from within the country could be easily frustrated. When apprehended terrorists may be extradited if requested by their country or the country against which attack is directed. In such circumstance, the Bilateral Agreement with the affected countries would still be a point of reference.

(iii) The procedures in place to prevent terrorists acting from Nigeria against other states or citizens include the collective steps being taken under the umbrella of the ECOWAS and the OAU charters. The fight against

terrorism has acquired added urgency in the deliberations of these sub-regional and regional organizations especially since the events of 11 September, 2001. The International Chiefs of Police Association (ICPA) is another forum where actions against terrorism is being discussed. Nigeria has been taking active part and making fruitful contributions on anti-terrorism in all these fora.

Sub-paragraph (e) An Anti-Terrorism, Economic and Financial Crimes Act has been proposed. The bill is now before the National Assembly. The proposed legislation criminalises acts of terrorism as serious offences. When the bill is passed, it will become law against terrorism, economic and financial crimes.

Sub-Paragraph (f) Institutions in place through which cooperation with other states is undertaken in all aspects of the counter terrorism fight include the Nigerian Immigration Services, the Nigerian branch of the International Police (INTERPOL), the Nigerian Intelligence Agency (NIA), and the Department of State Security Services (SSS).

Sub-paragraph (g) Terrorists and terrorist groups are prevented entry into Nigeria by the adoption of the following steps:

(a) By examining and interviewing persons entering the country;

(b) Scrutiny of documents of travellers. The use of suspects index whereby undesirable elements may be easily detected and not allowed into the country has enhanced this system;

(c) The Immigration Department liaises with the Department of State Security Service (SSS) before visas are issued to foreigners.

(d) Through scrutiny of travelling documents as discussed above, forgery could be detected and a suspected terrorist refused entry.

OPERATIVE PARAGRAPH 3

Sub-paragraph (a) Exchange of operational information has been intensified through enhanced working relationship between the Nigeria

International Police (INTERPOL) and other states as well as through the operational mechanism of the Nigerian Intelligence Agency (NIA).

Sub-paragraph (b) As a result of the effectiveness of current measures a suspected terrorist mentioned in sub-paragraph (c) of operative paragraph 2 above was foiled. Through exchange of information between Nigeria and Algeria and the cooperation of relevant institutions it was discovered that Hamama Belkacem, a suspected terrorist had been declared wanted by the Algerian Government.

Sub-paragraph (c) There are provisions under part II of section 35 of NDLEA Act which, for the purposes of extradition, make the illegal acts under the Act extraditable offences. This is to increase cooperation among states and enhance the efforts to prevent and suppress any act that may cause or assist terrorism.

Nigeria had earlier enacted laws and regulations on explosive substances. For example, the Explosive Act Cap 117 of Laws of the Federal Republic of Nigeria stipulates in section 13 that no person shall import explosives save under the Act, no person shall buy, sell or otherwise dispose of explosive, save under and in accordance with a license granted by the relevant authorities.

Another law Nigeria enacted which also has provisions for the prevention and suppression of terrorist acts is the Manufacture of Spirits Regulation (Excise Control of Distillation) Act. Under this Act, no person is allowed to manufacture spirits without obtaining license from the relevant authorities, a person who violates the provision of the law, faces a criminal charge with the consequence of imprisonment and the forfeiture of all materials connected with the manufacture including the material manufactured.

Equally the Exchange Control (Anti-Sabotage) Act, another Law of the Federal Republic of Nigeria, has provision which makes it illegal for any person without the permission of the appropriate authority to make any payment to or for the credit of a person resident outside Nigeria. The minimum sentence for any person found guilty of an offence under this Act

is five years imprisonment with a fine of not less than the amount of the values of the currency of which the offence was committed. A body corporate found guilty under the Act does not pay a fine less than ₦100,000.00 (US $1,000).

To ensure that the use of narcotic drugs, psychotropic substances and precursor chemicals and solvents are not used to facilitate terrorist acts but limited only to medical and scientific purposes, Nigeria's National Agency for Food and Drug Administration and Control (NAFDAC) has instituted a system of licensing and monitoring the acquisition and disposal of the controlled drugs and chemicals by authorized manufactures, importers and distributors. Part of the monitoring mechanism is the mandatory rendering of quarterly and annual returns and physical inspection of the establishments, disposal records and storage facilities.

Furthermore, Nigeria had evoked Articles 12 paragraphs 10(a) and 24 of the U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. This has resulted in the drastic reduction of the import of precursor chemicals.

Pre-export notifications have been received from some of the exporting countries. Nigeria had informed all countries exporting precursor chemicals into the country to fully comply with the provisions of Article 12 paragraph 10(a) and 24 of the aforementioned U.N Convention. In Nigeria, it is a serious offence for any person to attempt to destroy any property or building by explosives or to put an explosive substance in any place for whatever reason. A person found guilty of such an offence is liable to 14 years imprisonment with hard labour.

Nigeria had enacted the above national legislation for the prevention and suppression of crimes within its jurisdiction as well as transnational organized crimes of illicit drugs, money – laundering and illegal movement of nuclear chemicals and other materials used in the manufacture of weapons of mass destruction. Nigeria has also given active encouragement to states in the ECOWAS sub-region, Africa and the world at large to adopt necessary steps to combating the menace of national and transnational organized crimes.

Sub-paragraph (d) The Government of the Federal Republic of Nigeria had signed and/or ratified several of the Conventions and Protocols referred to in this sub-paragraph. Those Conventions and Protocols which have not been signed and/or ratified are presently being considered and processed.

Sub-paragraph (e) The Government of the Federal Republic of Nigeria had signed/or ratified six of the Conventions, Protocols and Resolutions referred to in this sub-paragraph. The Conventions and Protocols are include:

(1) Conventions on offences and Certain other Acts committed on Board Aircraft, 1963.

(2) Convention for the Suppression of Unlawful Seizure of Aircraft, 1970.

(3) Convention for the suppression of Unlawful Acts Against the Safety of Civil Aviation, 1971.

(4) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, Act 1988.

(5) Convention for the Suppression of Unlawful Acts against the safety of Maritime Navigation, 1988.

(6) Convention on the Marking of Plastic Explosives for the purposes of Detention, 1991.

Sub-paragraph (f) The Asylum policy of Nigeria is implemented with due consideration for established international principles on the subject. Nigeria is a party to all the international conventions on Refugees. Nigeria obtains information through cooperative and diplomatic channels on any person applying for refugee status. The refugee/asylum seeker is interviewed and scrutinized regarding events that propelled him to leave his country of residence before he is granted refugee status. The Refugee Commission which is charged with all matters concerned with refugees, liaises with all appropriate agencies to obtain detailed information about the situation in the

country of the would-be refugee to show whether the applicant was forced to leave as a result of political or natural disaster.

Sub-paragraph (g). The Government of the Federal Republic of Nigeria views the case of Asylum seekers in the light of humanitarian responsibility, national and international obligations. She grants protection to refugee seekers who show the evidence of persecution and displacement by natural or national disaster such as wars. Persons seeking asylum in Nigeria have to fulfill the relevant requirements for refugee status.

Abuja
Federal Republic of Nigeria
December, 2001.